

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6371

BILL NUMBER: HB 1583

NOTE PREPARED: Feb 18, 2005

BILL AMENDED: Feb 17, 2005

SUBJECT: Road Rage.

FIRST AUTHOR: Rep. Brown T

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill defines "aggressive driving". The bill makes criminal recklessness:

- (1) a Class A misdemeanor instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving;
- (2) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused serious bodily injury to another person; and
- (3) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused the death of another person.
- (4) The bill makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (Revised) State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. However, any expenditure increase is likely to be small. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging between two to eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. If offenders can be housed in

existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months, for all Class C felony offenders it is approximately two years.

Explanation of State Revenues: (Revised) (1) Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue is likely to be small. Court fees would remain unchanged.

(2,3, & 4) More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. However, any increase in revenue is likely to be small. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class C or D felony is \$10,000. Court fees for both misdemeanors and felonies are the same.

Explanation of Local Expenditures: (Revised) (1) The maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. However, any additional costs to local governments are likely to be small.

(2,3, & 4) If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. However, any cost reduction is likely to be small. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days.

Explanation of Local Revenues: (Revised) Court fees would remain unchanged.

State Agencies Affected: Department of Correction..

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources:

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